

Serial No. 10/058,289

REMARKS

Claims 1-9 were pending in the present application. Applicants confirm that claims 1 and 5 were elected for examination and claim 2-4 and 6-9 withdrawn from consideration pending the allowance of generic claim 1. New claims 10-17 are added herein to further claims features associated with an air bag device including, for example, the claimed pipe. Reconsideration of the present application in view of the above amendments and the following remarks is respectfully requested.

Claim 5 stands rejected under 35 U.S.C. §112 second paragraph as being indefinite. Claim 5 is cancelled herein rendering the rejection moot.

Claim 1 stands rejected under 35 U.S.C. 102 (b) as being allegedly anticipated by Bailey, et al U.S. Patent No. 6,073,961 (hereinafter "Bailey"). The rejection is respectfully traversed.

In characterizing Bailey, the Examiner has asserted, *inter alia*, that elastomeric inner tube 71 corresponds to the claimed pipe. Applicants disagree with this characterization.

It should be noted that Applicants' specification describes a bag body 16 including a gas passage 16F, and a pipe 70 (see, e.g. Fig.2). Bailey describes an elastomeric inner tube 71 as described above, but notably fails to describe a pipe as claimed and the attendant features thereof. A close review of the figures in Bailey also shows the elastomeric inner tube 71, but further fails to reveal the presence of the claimed pipe or the attendant features thereof as described further herein below.

Further, claim 1 is amended herein to include the limitation that an inner diameter of the pipe is smaller than an outer diameter of the ejection port of the inflator, and a length of the pipe is smaller than a distance between a rear end of the pipe and a gas outlet hole for supplying the

Serial No. 10/058,289

expansion gas to the expansion room. Bailey not only fails to disclose the claimed pipe, but fails to disclose these additional claimed limitations.

Accordingly, a prima facie case of anticipation has not been properly established in that all the claimed features are not disclosed in the applied reference as required. For at least the reasons set forth herein above, the rejection of claim 1 should be reconsidered and withdrawn.

Claims 1 and 5 stand rejected under 35 U.S.C. 102 (b) as being allegedly anticipated by Beisswenger, et al U.S. Patent No. 6,070,903 (hereinafter "Beisswenger"). The rejection is respectfully traversed.

It should first be noted that claim 5 has been cancelled and the features of claim 5 have been incorporated into claim 1. In making the rejection, Beisswenger has been characterized as disclosing, *inter alia*, the claimed pipe wherein an inner diameter of the pipe is smaller than an outer diameter of the ejection port of the inflator, and a length of the pipe is smaller than a distance between a rear end of the pipe and a gas outlet hole for supplying the expansion gas to the expansion room. Applicants disagree with this characterization.

A close review of Beisswenger, and Figure 4 in particular thereof, reveals that a port 30 is arranged in the vicinity of an orifice 14 of the inflator 10 forming a discharge portion for the gas (see, e.g. col 3, line 6-7). Port 30 cannot be said to amount to the claimed pipe, and further Beisswenger fails to disclose that an inner diameter of a pipe is smaller than an outer diameter of an ejection port (e.g. port 30) as claimed. It should be noted that a gas exit tube 12 in Beisswenger is provided with an engaging means 22 to interlock with groove 22 simply to provide a seal.

Accordingly, a prima facie case of anticipation has not been properly established in that all the claimed features are not disclosed in the applied reference as required. For at least the reasons set forth herein above, the rejection of claim 1 should be reconsidered and withdrawn.

Serial No. 10/058,289

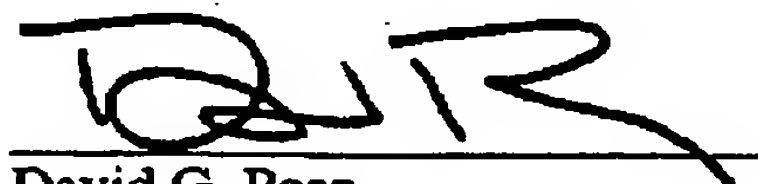
New claims 10-17 are believed allowable for at least the reasons set forth herein above, e.g. the applied art and the prior art fail to disclose claimed features including for example, a pipe wherein an inner diameter of the pipe is less than an outer diameter of the ejection port of the inflator, and a length of the pipe is smaller than a distance between a rear end of the pipe and a gas outlet hole for supplying the expansion gas to the expansion room, and wherein the inner diameter of the pipe becomes less at a predetermined point along the length thereof and remains less along the length thereof from the predetermined point to the leading end thereof.

In view of the forgoing, the Applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

OFFICIAL

Respectfully submitted,



David G. Posz
Reg. No. 37,701

DGP/rls
Posz & Bethards, PLC
11250 Roger Bacon Drive, Suite 10
Reston, VA 20190
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400

RECEIVED
CENTRAL FAX CENTER
SEP 29 2003